



Atty. Docket No. A34690 070050.1714
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant : Fisher *et al.*
Serial No. : 09/621,781 Examiner : Loeb, Bronwen
Filed : July 21, 2000 Group Art Unit : 1636
For : NUCLEIC ACIDS COMPRISING REGIONS OF THE RAT PEG-3
PROMOTER THAT DISPLAY ELEVATED EXPRESSION IN HUMAN
CANCER CELLS AND USES THEREOF

SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT

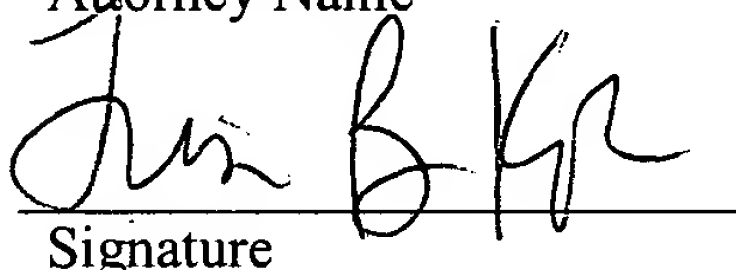
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Attorney Name



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35,225

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Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §1.56 and §1.97(c)(2), Applicants respectfully request that the references relating to the above-identified application listed herein in reverse chronological alphabetical order be considered and made of record in the U.S. Patent and Trademark Office.

1. International Patent Application No. PCT/US01/23099, filed July 20, 2001, entitled "NUCLEIC ACIDS COMPRISING REGIONS OF THE RAT PEG-3 PROMOTER AND USES THEREOF", published as WO 02/08242 on January 31, 2002, by the Trustees of Columbia University in the City of New York;
2. Hacein-Bey-Abina S *et al.*, 2002, "Sustained Correction of X-Linked Severe Combined Immunodeficiency by ex Vivo Gene Therapy" *N Engl J Med.* 346(16):1185-1193;
3. Liu Y *et al.*, 2002, "In situ adenoviral interleukin 12 gene transfer confers potent and long-lasting cytotoxic immunity in glioma" *Cancer Gene Ther.* 9(1):9-15;
4. Losordo D W *et al.*, 2002, "Phase 1/2 placebo-controlled, double-blind, dose-escalating trial of myocardial vascular endothelial growth factor 2 gene transfer by catheter delivery in patients with chronic myocardial ischemia" *Circulation* 105(17):2012-2018;
5. Rosen F S, 2002, "Successful Gene Therapy for Severe Combined Immunodeficiency" (Editorial) *N Engl J Med.* 346(16):1241-1243;
6. Stolberg S G, October 4, 2002, "Trials are halted on gene therapy", *New York Times*, page A1, column 3;
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23. Symes J F, 2000, "Focal angiogenic therapy for myocardial ischemia" *J Card Surg.* 15(4):283-290;
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27. Su ZZ et al., 1999, "PEG-3, a nontransforming cancer progression gene, is a positive regulator of cancer aggressiveness and angiogenesis" *Proc. Natl. Acad. Sci.* 96(26):15115-15120;
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29. United States Patent No. 6,472,520 by Fisher, for "RAT PEG-3 PROMOTER", filed March 31, 1998 and issued October 29, 2002;
30. United States Patent No. 6,146,877 by Fisher, for "IDENTIFICATION OF THE PROGRESSIVE-ELEVATED GENE-3 AND USES THEREOF", filed March 31, 1997 and issued November 14, 2000;
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48. Macleod K *et al.*, 1992, "The ets gene family" *TIBS* 17(7):251-256;
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67. Fisher P B *et al.*, 1978, "Interactions between adenovirus, a tumor promoter, and chemical carcinogens in transformation of rat embryo cell cultures" *Proc. Natl. Acad. Sci. USA* 75(5):2311-2314.

The Examiner's attention is particularly invited to references 21 and 22, which are in bold-face text. The referenced citations are listed in the accompanying PTO Form 1449.

Copies of the references are submitted herewith in two bound volumes. A copy of the Search

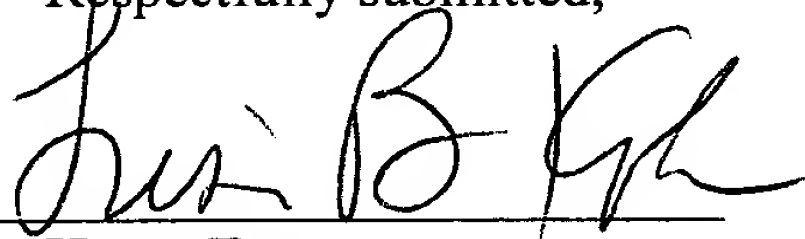
Report received by Applicants in connection with International Application No.
PCT/US01/23099 is also enclosed herewith.

Identification of the references listed in the attached PTO Form 1449 is not to be construed as an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the above-identified application.

Applicants enclose herewith the fee required under 37 C.F.R. §1.17(p). Any required fees not otherwise enclosed herewith may be charged to Deposit Account No. 02-4377. Two copies of this page are enclosed.

May 22, 2003

Respectfully submitted,



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Enclosures
Form PTO-1449
Copies of cited documents

Form PTO-1449 U.S. Department of Commerce
(REV. 2-82) Patent and Trademark Office

**INFORMATION DISCLOSURE STATEMENT
BY APPLICANT**

(Use several sheets if necessary)

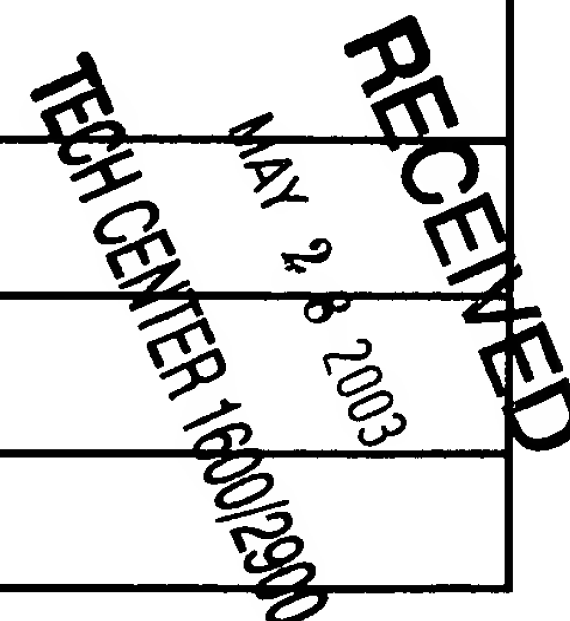
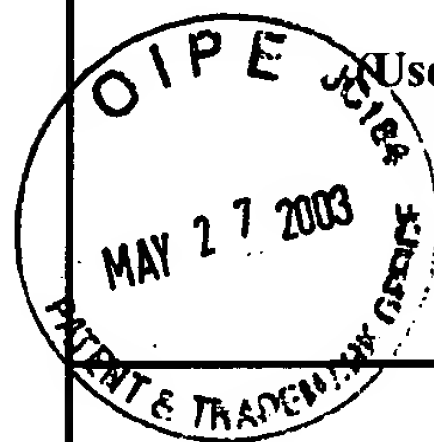
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Serial No.
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Applicant
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Filing Date
July 21, 2000

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1636



U.S. PATENT DOCUMENTS

*Exam. Init.	Document No.	Date	Name	Class	Subclass	Filing Date if Appro.
	29 6 4 7 2 5 2 0	10/29/2002	Fisher			3/31/1998
	30 6 1 4 6 8 7 7	11/14/2000	Fisher			3/31/1997

FOREIGN PATENT DOCUMENTS

Document No.	Date	Country	Class	Subclass	Translation Yes No
1 WO 02/08242	1/31/2002	WIPO			
8 WO 01/46386	6/28/2001	WIPO			
24 WO 99/49898	10/9/1999	WIPO			

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

2	Hacein-Bey-Albina S <i>et al.</i> , 2002, "Sustained Correction of X-Linked Severe Combined Immunodeficiency by ex Vivo Gene Therapy" <i>N Engl J Med.</i> 346(16): 1185-1193.
3	Liu Y <i>et al.</i> , 2002, "In situ adenoviral interleukin 12 gene transfer confers potent and long-lasting cytotoxic immunity in glioma" <i>Cancer Gene Ther.</i> 9(1):9-15.
4	Losordo D W <i>et al.</i> , 2002, "Phase 1/2 placebo-controlled, double-blind, dose-escalating trial of myocardial vascular endothelial growth factor 2 gene transfer by catheter delivery in patients with chronic myocardial ischemia" <i>Circulation</i> 105(17):2012-2018.
5	Rosen F S, 2002, "Successful Gene Therapy for Severe Combined Immunodeficiency" (Editorial) <i>N Engl J Med.</i> 346(16):1241-1243.

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Examiner

Date Considered

* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 U.S. Department of Commerce (REV. 2-82) Patent and Trademark Office INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	Atty. Docket No. A34690 (070050.1714)	Serial No. 09/621,781
	Applicant Fisher, <i>et al.</i>	
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	23	Symes J F, 2000, "Focal angiogenic therapy for myocardial ischemia" <i>J Card Surg.</i> <u>15</u> (4):283-290.
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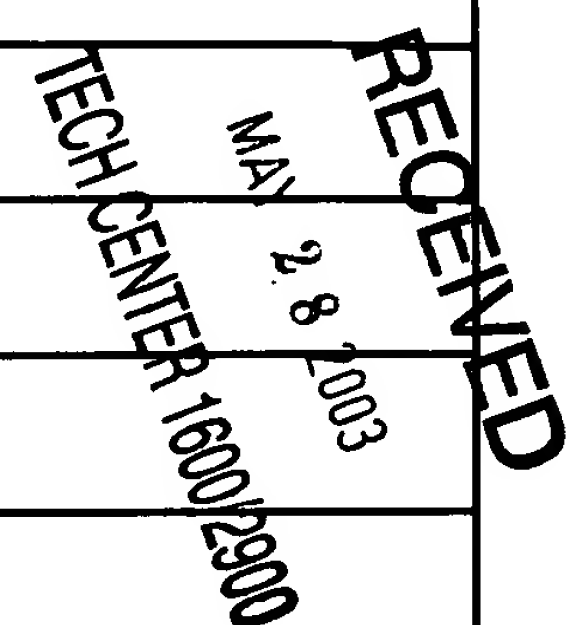
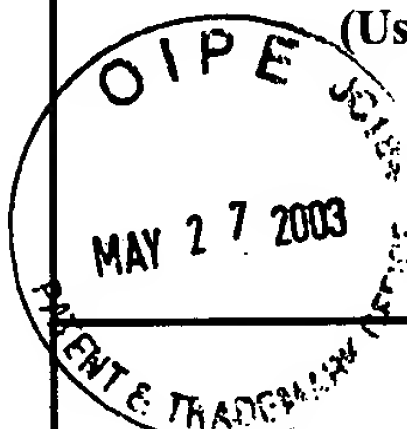
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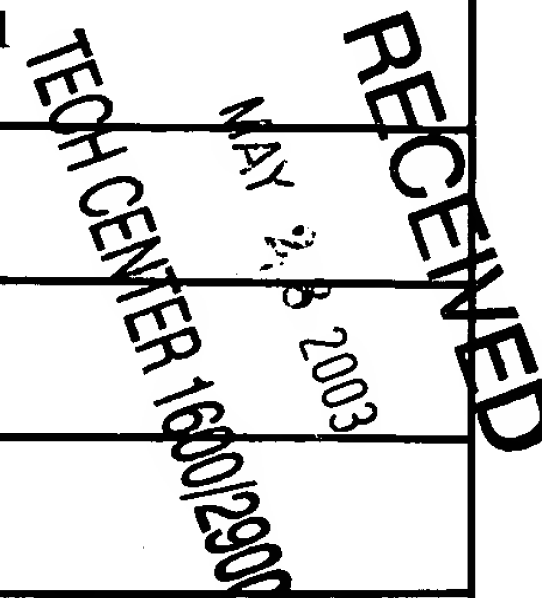
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